

Introduced by Senator Poochigian

February 22, 2005

An act to amend Section 47613 of, and to add Section 47605.4 to, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as introduced, Poochigian. Charter schools: chartering authority.

The existing Charter Schools Act of 1992 permits teachers, parents, pupils, and community members to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.

This bill would, notwithstanding any other provision of law, permit the chancellor of a campus of the University of California, the president of a campus of the California State University, or the governing board of a community college district to propose to the State Board of Education for approval a petition submitted to establish a charter school within the county in which that campus or community college district is located.

The bill would require the chartering authority to oversee the charter school, and would specify the oversight duties of that entity. The bill would require a charter school approved pursuant to these provisions to provide its chartering authority with funding for supervisorial oversight in accordance with existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 47605.4 is added to the Education Code, to read:

47605.4. (a) Notwithstanding any other provision of law, the chancellor of a campus of the University of California, the president of a campus of the California State University, or the governing board of a community college district may propose to the State Board of Education for approval a petition to establish a charter school within the county in which that entity maintains a campus.

(b) The State Board of Education shall review each proposal submitted pursuant to subdivision (a) and either approve or deny the proposal. By July 1, 2006, the State Board of Education shall develop criteria to be used for the review and approval of charter school petitions presented to the State Board of Education pursuant to this section.

(c) A petition submitted pursuant to this section shall comply with the procedures and requirements contained in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610). For the purposes of this section, all references to “governing board” in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610) mean the chartering authorities identified in this section and all references to “school district” in those chapters mean the county in which the charter school will be located.

(d) Each chartering authority specified in this section is responsible for supervising and overseeing each charter school that it approves, and shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607.

(e) Each charter school approved pursuant to this section shall provide its chartering authority with funding for supervisorial oversight in accordance with subdivision (c) of Section 47613.

(f) This section does not apply to the University of California, unless the Regents of the University of California adopt a resolution making it applicable.

SEC. 2. Section 47613 of the Education Code is amended to read:

1 47613. (a) Except as set forth in subdivision (b), a chartering
2 agency may charge *a charter school* for the actual costs of
3 supervisorial oversight of ~~a~~ *the* charter school *an amount* not to
4 exceed 1 percent of the revenue of the charter school.

5 (b) A chartering agency may charge *a charter school* for the
6 actual costs of supervisorial oversight of ~~a~~ *the* charter school *an*
7 *amount* not to exceed 3 percent of the revenue of the charter
8 school if the charter school is able to obtain substantially rent
9 free facilities from the chartering agency.

10 (c) A local agency that is given the responsibility for
11 supervisorial oversight of a charter school, pursuant to paragraph
12 (1) of subdivision (k) of Section 47605, may charge for the actual
13 costs of supervisorial oversight, and administrative costs
14 necessary to secure charter school funding. A charter school that
15 is charged for costs under this subdivision may not be charged
16 pursuant to subdivision (a) or (b).

17 (d) This section does not prevent the charter school from
18 separately purchasing administrative or other services from the
19 chartering agency or any other source.

20 (e) For the purposes of this section, a chartering agency means
21 a school district, county department of education, *the University*
22 *of California, the California State University, community college*
23 *district*, or the State Board of Education, that granted the charter
24 to the charter school.

25 (f) For the purposes of this section, “revenue of the charter
26 school” means the general purpose entitlement and categorical
27 block grant, as defined in subdivisions (a) and (b) of Section
28 47632.

29 SEC. 3. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety
31 within the meaning of Article IV of the Constitution and shall go
32 into immediate effect. The facts constituting the necessity are:

33 In order for the University of California, the California State
34 University, and a community college district to approve charter
35 schools, it is necessary for this act to take effect immediately.